

Appl. No.: 10/667,282

Amdt. Dated: 13 August 2008

Reply to Office Action Mailed: 13 March 2008

I. REMARKS

A. Status

Claims 1-46 were pending in this application. Claims 9, 14-22, 25 and 28-46 are canceled without prejudice or disclaimer. Claims 1-6, 23, 26-27 are amended, but no new matter is added by these amendments. Upon entry of this correspondence, claims 1-8, 10-13, 23, 24, 26, and 27 will remain pending, each of which Applicant respectfully submits is in condition for allowance.

B. Multiplicity of References

In the present office action, many references were cited in various combinations. Should a Notice of Allowance not be granted in view of the claim amendments attached herewith, attention is drawn to MPEP § 904.03, which states, in pertinent part:

In selecting the references to be cited, the examiner should carefully compare the references with one another and with the applicant's disclosure to avoid the citation of an unnecessary number. The examiner is not called upon to cite all references that may be available, but only the "best." (37 CFR 1.104(c).) Multiplying references, any one of which is as good as, but no better than, the others, adds to the burden and cost of prosecution and should therefore be avoided.

C. Allowable Subject Matter

Applicant appreciates the indication that dependent claim 25 contains allowable subject matter. To speed prosecution, Applicant has canceled dependent claim 25 and incorporated its allowable subject matter into independent claims 23 and 26, each of which is now in condition for allowance, along with claims 24 and 27 dependent thereon, respectively.

D. 35 U.S.C. § 112 Rejections

Claims 14, 28, and 34 were rejected under the second paragraph of 35 U.S.C. § 112. Applicant believes the rejection to be moot in light of the cancellation of claims 14, 28, and 34 as noted above.

Appl. No.: 10/667,282

Amdt. Dated: 13 August 2008

Reply to Office Action Mailed: 13 March 2008

E. Claim Objections

The cancellation of claim 15 renders the objection thereto moot.

F. 35 U.S.C. § 102 (e) Rejections

Claims 1, 11-12, and 44 stand rejected under 35 U.S.C. § 102 (e) as allegedly being unpatentable over USPN 6,737,962 to Mayor ("Mayor"). Applicant believes the rejection to be moot in light of the claim amendments set forth above. Specifically, with respect to amended independent claim 1, Mayor fails to disclose at least:

means for interpreting the at least one sensed condition to determine whether a security breach of the container has occurred;

means for transmitting information relative to whether the security breach has occurred to a location outside the container; and

a support arm configured to position the interpreting means inside a C-channel of the container and to position the transmitting means on an exterior of the container when a door of the container is closed.

In fact, Mayor teaches exactly the opposite and requires drilling holes in a trailer for cables to pass through. See, in particular, Mayor's Col. 8, lines 7-47, which states in pertinent part:

... According to installation instructions, the owner and/or installer would determine where on the trailer... he or she wishes to install housing 128 and the enclosed contents described above. A hole is drilled through the trailer wall to align with the cable access hole in the rear of the housing...

In short, Mayor makes no mention of a "support arm" configured as recited in Applicant's amended independent claim 1, in combination with the other features thereof. Therefore, Applicant respectfully submits that independent claim 1 is allowable and request that the 102(e) rejection be withdrawn. Claims 2-8 and 10-13 are also allowable over Mayor by virtue of their respective dependencies on allowable amended independent claim 1, as well as for their respective features.

Appl. No.: 10/667,282

Amdt. Dated: 13 August 2008

Reply to Office Action Mailed: 13 March 2008

G. 35 U.S.C. § 102 (b) Rejections

Claims 33, 40-43, and 46 stand rejected under 35 U.S.C. §102 (b) as allegedly being anticipated by USPN 5,939,982 to Gagnon, et al. ("Gagnon"). Applicant believes the rejection to be moot in light of the cancellation of claims 28-46 set forth above.

H. 35 U.S.C. § 103 (a) Rejections

(i) Claims 2, 9-10, and 45 stand rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable in view of Mayor. Applicant believes the rejection to be moot in light of the claim amendments set forth above. In particular, claims 2, 9-10 depend from amended independent claim 1, which Applicant believes to be allowable over Mayor. Additionally, this rejection is moot with respect to claim 45, which has been canceled. Withdrawal of this rejection is therefore respectfully requested.

(ii) Claim 3 stands rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable in view of Mayor in view of USPN 6,381,977 to Austin, Jr. ("Austin"). Applicant believes the rejection to be moot in light of the claim amendments set forth above. In particular, claim 3 depends from amended independent claim 1, which Applicant believes to be allowable over Mayor. Applicant further believes that Austin does not cure Mayor's deficiencies. Withdrawal of this rejection is therefore respectfully requested.

(iii) Claim 4 stands rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable in view of Mayor in view of USPN 6,381,977 to Austin, Jr. ("Austin") in view of US Patent Application Publication No: 2004/0041708 to Greenwaldt ("Greenwaldt"). Applicant believes the rejection to be moot in light of the claim amendments set forth above. In particular, claim 4 depends from amended independent claim 1, which Applicant believes to be allowable over Mayor. Applicant further believes that neither Austin nor Greenwaldt cure Mayor's deficiencies. Withdrawal of this rejection is therefore respectfully requested.

(iv) Claims 26 and 27 stand rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable in view of Mayor in view Greenwaldt. Applicant believes the rejection to be moot

Appl. No.: 10/667,282

Amdt. Dated: 13 August 2008

Reply to Office Action Mailed: 13 March 2008

in light of the claim amendments set forth above. In particular, claim 26 has been amended to incorporate the allowable subject matter of claim 25, and thus now recites, in pertinent part: "calculating by the processor a window of acceptable pressure values, the window of acceptable pressure values defining a range of pressure values that are experienced during shipment of the container and that do not indicate a security breach," which feature the Examiner admits is not shown in, nor obvious in view of, any of the cited references, including Mayor and Greenwaldt. Claim 27 is allowable over the combination of Mayor and Greenwaldt by virtue of its dependency on allowable amended independent claim 26. Withdrawal of this rejection is therefore respectfully requested.

(v) Claim 5 stands rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable in view of Mayor in view of USPN 6,381,977 to Austin, Jr. ("Austin") in view of US Patent Application Publication No: 2004/0041708 to Greenwaldt ("Greenwaldt") in view of USPN 6,556,149 to Reimer, et al. ("Reimer"). Applicant believes the rejection to be moot in light of the claim amendments set forth above. In particular, claim 5 depends from amended independent claim 1, which Applicant believes to be allowable over Mayor. Applicant further believes that neither Austin nor Greenwaldt nor Reimer cure Mayor's deficiencies. Withdrawal of this rejection is therefore respectfully requested.

(vi) Claims 6-7 stand rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable in view of Mayor in view of USPN 5,917,433 to Keillor, et al. ("Keillor"). Applicant believes the rejection to be moot in light of the claim amendments set forth above. In particular, claims 6-7 depend from amended independent claim 1, which Applicant believes to be allowable over Mayor. Applicant further believes that Keillor does not cure Mayor's deficiencies. Withdrawal of this rejection is therefore respectfully requested.

(vii) Claim 8 stands rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable in view of Mayor in view of US Patent Application Publication No.: 2002/0061758 to Zarlengo, et al. ("Zarlengo"). Applicant believes the rejection to be moot in light of the claim amendments set forth above. In particular, claim 8 depends from amended independent claim 1, which

Appl. No.: 10/667,282

Amdt. Dated: 13 August 2008

Reply to Office Action Mailed: 13 March 2008

Applicant believes to be allowable over Mayor. Applicant further believes that Zarlengo does not cure Mayor's deficiencies. Withdrawal of this rejection is therefore respectfully requested.

(viii) Claims 23 and 24 stand rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable in view of Gagnon. Applicant believes the rejection to be moot in light of the claim amendments set forth above. In particular, independent claim 23 has been amended to incorporate the allowable subject matter present in original claim 25. Claim 24 is allowable over Gagnon at least by virtue of its dependency on amended independent claim 23, as well as for its added features. Withdrawal of this rejection is respectfully requested.

(ix) Claims 34-37 stand rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable in view of Gagnon in view of Mayor, Austin, and Greenwaldt. Applicant believes the rejection to be moot in light of the claim amendments set forth above. Specifically, claims 34-37 have been canceled. Withdrawal of this rejection is therefore respectfully requested.

(x) Claims 38-39 stand rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable in view of Gagnon in view of Keillor. Applicant believes the rejection to be moot in light of the claim amendments set forth above. Specifically, claims 38-39 have been canceled. Withdrawal of this rejection is therefore respectfully requested.

(xi) Claims 14-17, 19, 22, 32 stand rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable in view of USPN 5,999,091 to Wortham ("Wortham") in view of USPN 5,832,090 to Raspotnik ("Raspotnik"). Applicant believes the rejection to be moot in light of the claim amendments set forth above. Specifically, claims 14-17, 19, 22, and 32 have been canceled. Withdrawal of this rejection is therefore respectfully requested.

(xii) Claim 18 stands rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable in view of Wortham, Raspotnik, and Mayor. Applicant believes the rejection to be moot in light of the claim amendments set forth above. Specifically, claim 18 has been canceled. Withdrawal of this rejection is therefore respectfully requested.

Appl. No.: 10/667,282

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(xii) Claims 20-21 stand rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable in view of Wortham, Raspotnik, and Keillor. Applicant believes the rejection to be moot in light of the claim amendments set forth above. Specifically, claims 20-21 have been canceled. Withdrawal of this rejection is therefore respectfully requested.

(xiii) Claims 28-31 stand rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable in view of Wortham, Raspotnik, and USPN 6,963,270 to Gallagher ("Gallagher"). Applicant believes the rejection to be moot in light of the claim amendments set forth above. Specifically, claims 28-31 have been canceled. Withdrawal of this rejection is therefore respectfully requested.

Appl. No.: 10/667,282

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II. CONCLUSIONS

For at least the reasons referenced above, Applicant respectfully requests issuance of a Notice of Allowance.

The Examiner is respectfully invited to contact the undersigned if there are any remaining issues that can be resolved by telephonic communication.

Favorable action is respectfully requested.

Respectfully submitted,

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